

### REMARKS

This paper is submitted in reply to the Office Action dated December 2, 2005, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, claims 1-8, 12-21 and 25-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,987,621 to Duso et al. (Duso), and claims 9-11 and 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Duso in view of U.S. Patent No. 5,964,887 to Conseil (Conseil).

Applicants respectfully traverse the Examiner's rejections to the extent that they may be maintained. Applicants have nonetheless amended claims 1, 7, 15, 28 and 29 in deference to the suggestions of the Examiner. Applicants respectfully submit that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed.

As an initial matter, Applicants wish to thank the Examiner for the consideration extended in the telephonic interview conducted between the Examiner and Applicants' representative on February 27, 2006. In the interview, proposed amendments to the claims were discussed. Based upon the proposed amendments, the Examiner indicated that such proposed Amendments would overcome the art of record. Accordingly, each independent claim has been amended to recite that the claimed substitution of a shareable spare adaptor is accomplished without intervention by any server in electronic communication with the resource. This feature minimizes undue processing requirements that might otherwise burden servers made to coordinate the replacement of adapters, i.e., initiating and directing all corrective and reconnecting processes.

Turning more particularly to the rejections, claim 1 generally recites an apparatus comprising a plurality of access adapters. Each adapter is configured to interface with an electronic resource. At least one shareable spare adapter is configured to function as a network interface that removably couples with the electronic resource. Control circuitry is configured to initiate a substitution of the shareable spare adapter for any of the plurality of access adapters to supplant a substituted access adapter without intervention by any server in electronic communication with the electronic resource.

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Duso is directed to a failover mechanism that detects the failure of a server computer and causes another computer to take on the work of the failed computer (col.2, lines 40-45). Duso does not teach shareable spare adapters (which are inherently different from server computers)<sup>1</sup>, let alone substitution using a shareable spare adaptor without intervention by any server in electronic communication with the resource. In contrast, Duso teaches a failover technique that uses a control server 29 to effectuate failover of a failed stream server 21 (col. 10, lines 15-28). That is, at least a control server 29 and a stream server 21 must intervene to accomplish a replacement process (*id.*).

Applicants respectfully and consequently submit that the prior art of record fails to disclose or suggest a shareable spare adapter, let alone substitution of a shareable spare adaptor without intervention by any server in electronic communication with the resource. For at least these reasons, Applicants respectfully request reconsideration and allowance of claim 1, as well as of claims 2-14 that depend therefrom.

Claim 15 generally recites a method of providing access to a computer resource, wherein a plurality of access adapters each interface with the computer resource. The method comprises using a shareable spare adapter configured to function as a network interface that removably couples with the computer resource and supplants an interface provided by a first adapter of the plurality of access adapters. The shareable spare adapter is additionally configured to supplant a second interface provided by a second access adapter of the plurality of access adapters without intervention by any server in electronic communication with the computer resource.

Because claim 15 includes a shareable spare adapter, as well as a substitution using a shareable spare adaptor that may be accomplished without intervention by any server in electronic communication with the resource, Duso cannot properly be said to anticipate the present claim features. Applicants respectfully request reconsideration and allowance of claim 15, as well as of claims 16-28 that depend therefrom.

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<sup>1</sup> Duso presents this distinction in its own specification in a manner that is consistent with the definitions of adapters and servers as described in Applicants' specification. For example, Fig. 2 of Duso shows adapters 50 that comprise physical connections linking server computers 21, 28 and 29 (column 8, lines 26-28).

Claim 29 generally recites a program product comprising a program for providing access to a computer resource, wherein a plurality of access adapters each interface with the computer resource. The program is configured to use a shareable spare adapter configured to function as a network interface that removably couples with the computer resource and to supplant an interface provided by a first adapter of the plurality of access adapters. The shareable spare adapter is additionally configured to supplant a second interface provided by a second access adapter of the plurality of access adapters without intervention by any server in electronic communication with the computer resource. The program product additionally comprises a computer-readable signal bearing recordable media bearing the program.

As above, claim 29 includes a shareable spare adapter, as well as a substitution using a shareable spare adaptor that may be accomplished without intervention by any server in electronic communication with the resource. For at least these reasons, Duso does not anticipate claim 29. Applicants respectfully request reconsideration and allowance of claim 29.

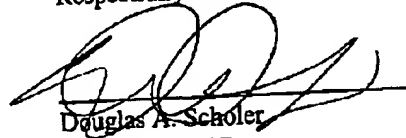
Claims 9-11 and 22-24 are allowable by virtue of their respective dependencies on claims 1 and 15, as discussed above. However, these claims include additional features that further distinguish them from the cited art. For instance, the Office Action admits that Duso fails to teach the removal of a correlation token from an adapter, as recited in claims 9 and 22. In rejecting claims 9-11 and 22-24 under 35 U.S.C. § 103(a), the Office Action relies on Conseil to remedy this deficiency. Conseil is directed to a method for selecting a desired switching station during a telecommunications routing operation. Significantly, Conseil does not teach, suggest or even mention an adapter. Similar to the primary reference, Duso, Conseil is unconcerned with the operation of adapters. As a consequence, no combination of the prior art suggests or motivates a shareable spare adapter. Reconsideration and allowance of claims 9-11 and 22-24, are therefore respectfully requested.

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In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or that might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

3/2/06  
Date

Respectfully submitted,



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